

**LODI CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, MARCH 22, 2005**

A. CALL TO ORDER / ROLL CALL

The Special City Council meeting of March 22, 2005, was called to order by Mayor Beckman at 7:45 a.m.

Present: Council Members – Hansen, Hitchcock, Mounce, and Mayor Beckman

Absent: Council Members – Johnson

Also Present: City Manager King, City Attorney Schwabauer, and Deputy City Clerk Perrin

B. REGULAR CALENDAR

- B-1 “Approve expenses incurred by outside counsel relative to the Environmental Abatement Program litigation and other various cases being handled by outside counsel (\$456,243.54), and approve Special Allocation covering general litigation matter expenses (\$10,521.03)”

City Attorney Schwabauer presented a “blue sheet” (filed) containing revised invoice amounts for the months of November and December 2004, which were received by the City Attorney's Office this March. The revised amounts reflect a deduction of approximately \$11,500 in charges that Mr. Schwabauer felt were not appropriate for payment. The invoices from Kronick, Moskovitz, Tiedemann & Girard are primarily for the Rogers case and other smaller litigation matters, including the Stockton sphere of influence litigation.

MOTION:

Council Member Hansen made a motion, Beckman second, to approve the expenses incurred by outside counsel relative to the Environmental Abatement Program litigation and other various cases being handled by outside counsel in the amount of \$444,537.01, and approved a Special Allocation covering general litigation matter expenses in the amount of \$10,521.03, as detailed below.

Folger, Levin & Kahn - November 1– December 31, 2004

Matter No.	Invoice No.	Description	Amount
2001	86779	Lehman Bros. v. City of Lodi	\$ 36,206.89 Less (-197.50) = \$ 36,009.39
2002	86808	City of Lodi v. Lehman Bros.	\$ 30,886.40 Less (-1,854.00) = \$ 29,032.40
2003	86810	Farr Associates v. City of Lodi	\$ 1,256.00
2004	86811	Exponent, Inc. v. City of Lodi	\$ 2,360.87
2005	86812	Environmental Forensic Investigations, Inc. v. City of Lodi	\$ 6,408.30
2006	86813	Magellan Environmental Inc. v. City of Lodi	\$ 1,239.60
8001	86759	General Advice/Environmental Contamination Matters	\$ 10,202.01 Less (-940.00) = \$ 9,262.01
8002	86823	People v. M&P Investments	\$307,565.30 Less (-8,715.03) = \$298,850.27
8003	86816	Hartford Insurance Coverage Litigation	\$ 1,947.66
8006	86818	Fireman's Fund/Unigard Appeal	\$ 22,419.73
8007	86819	Regulatory Agency Orders	\$ 3,560.23
8008	86820	Envision Law Group	<u>\$ 16,269.81</u>
			\$428,616.27

Folger, Levin & Kahn - November 1– January 31, 2005

Matter No.	Invoice No.	Description	Amount
8005	86817	Unigard Insurance Litigation	\$ 1,546.35

Kronick, Moskovitz, Tiedemann & Girard

Matter No./Description	Coverage Period	Invoice No.	Amount
11233.021 On-site Litigation Support (Docket Clerk)	Through 02/25/05	219298	\$ 700.99
11233.001 General Advice	Through 02/25/05	219299	\$ 652.59*
11233.003 Lehman Brothers, Inc.	Through 02/25/05	219299	\$ 117.50
11233.004 Envision Law Firm	Through 02/25/05	219299	\$ 1,232.00
11233.009 Rogers v. County of San Joaquin, et al.	Through 02/25/05	219299	\$ 9,512.62*
11233.010 Phelps v. City of Lodi et al.	Through 02/25/05	219299	\$ 355.82*
11233.017 M&P Investments	Through 02/25/05	219299	\$ 383.54
11233.023 City of Lodi v. City of Stockton	Through 02/25/05	219299	\$ 1,419.33
			\$ 13,673.40

*Requires Special Allocation for payment from General Fund (\$10,521.03)

GRAND TOTAL OF ALL INVOICES \$ 444,537.01

DISCUSSION:

Council Member Hansen expressed concern about the three to four month delay in receiving the bills, as memories tend to fade. He would like the firms to know that Council does not want this to continue to happen, to which Mr. Schwabauer responded that he has so notified them and will do so again.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Mounce, and Mayor Beckman

Noes: Council Members – None

Absent: Council Members – Johnson

C. CLOSED SESSION

At 7:49 a.m., Mayor Beckman adjourned the Special City Council meeting to a Closed Session to discuss the following matters:

C-1 Actual litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM

C-2 Prospective lease of a portion of the real property located at 215 West Elm Street (APN 043-022-13 and APN 037-270-46), Lodi, California; the negotiating parties are the City of Lodi, San Joaquin County, and the State of California; Government Code Section 54956.8

The Closed Session adjourned at 8:12 a.m.

D. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 8:15 a.m., Mayor Beckman reconvened the Special City Council meeting, and City Attorney Schwabauer disclosed the following actions.

Item C-1 was discussion only.

In regard to Item C-2, negotiation direction was requested and received.

E. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 8:15 a.m.

ATTEST:

Jennifer M. Perrin
Deputy City Clerk